

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>HARVEY PATRICK SHORT,</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 12-2658</b>
	:	
<b>DEBRA K. SAUERS, et al.,</b>	:	
<b>Respondents.</b>	:	

**O R D E R**

AND NOW, this 2<sup>nd</sup> day of July, 2012, upon careful and independent consideration of the Petition for Writ of Habeas Corpus filed under 28 U.S.C. § 2254 (Doc. No. 1), the thorough and well-reasoned Report and Recommendation of United States Magistrate Timothy R. Rice (Doc. No. 3), and the Petitioner's letter received on June 25, 2012 (Doc. No. 5) **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Doc. No. 3) is **APPROVED** and **ADOPTED**.
2. The petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED AS MOOT**<sup>1</sup> and **DISMISSED**.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case **CLOSED** for all purposes.

BY THE COURT:

*/s/ Lawrence F. Stengel*  
LAWRENCE F. STENGEL, J.

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<sup>1</sup> United States Magistrate Judge Timothy J. Rice prepared a Report and Recommendation on Short's petition for a writ of habeas corpus on June 15, 2012. The Magistrate Judge recommended that the petition be dismissed because the claim presented was moot and, even if the petition was not moot, be dismissed without prejudice because the petitioner failed to exhaust his state remedies. In light of the magistrate judge's recommendation, the petitioner sent a letter to me on June 25, 2012, requesting that his petition be withdrawn. The petitioner acknowledges that a lawyer was appointed to represent him on May 31, 2012, rendering his petition moot. Accordingly, his petition is denied as moot.